

## **RESPONSE AND REMARKS**

In the Notice of Non-Compliant Amendment dated October 2, 2004, the Legal Instruments Examiner objected to an amendment to the specification, stating that the amendment to the specification was non-compliant with 37 C.F.R. 1.121. The reason for non-compliance was cited by the Legal Instruments Examiner as "New paragraph(s) should not be underlined."

It is respectfully submitted that the substitute specification filed with the Amendment and Response dated and filed on September 11, 2004 (the "September 11 Response"), complies with 37 C.F.R. § 1.121, and further complies with 37 C.F.R. § 1.125.

In compliance with 37 C.F.R. § 1.121(b), Amendments to the Specification were submitted in a substitute specification, filed in accordance with 37 CFR §1.125.

In compliance with 37 C.F.R. §1.125 (c), a marked up version of the substitute specification showing, with markings, all changes relative to the immediate prior version of the specification of record was filed with the September 11 Response. In compliance with 37 C.F.R. §1.125 (c), underlining was used in the marked-up version of the substitute specification to show added text. Further, in compliance with 37 C.F.R. §1.125 (c), a "clean version" (without markings) of the substitute specification was also filed with the September 11 Response.


In compliance with 37 C.F.R. § 1.121(b)(3), the present Response respectfully submits an instruction to replace the specification with the substitute specification.

It is respectfully submitted that the substitute specification filed with the September 11 Response, in combination with the present Response, complies with 37 C.F.R. § 1.121, and further complies with 37 C.F.R. § 1.125. It is respectfully requested that the Amendment and Response, including the marked up version of the substitute specification and the clean version of the substitute specification be approved and forwarded for examination on the merits.

Application Serial No. 09/684,866

Respectfully submitted,

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